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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,731	01/21/2004	Leonard Michael Walsh	EH-10765	3622

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EXAMINER

MEISLIN, DEBRA S

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,731

Applicant(s)

WALSH, LEONARD MICHAEL

Examiner

Debra S. Meislin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 7, 8, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rinner et al (6543317) in view of Anderson et al (6,332,382).

Rinner et al discloses all of the claimed subject matter except for the retainer providing a bias force to at least one point of the fastener. Rinner et al discloses a retainer providing a bias force to a portion of the fastener. Note that the engaged portion of Rinner et al can be considered to include a plurality of points. However, Anderson et al will be applied to show the retainer providing a bias force to at least one point (or to an apex/vertex) of the fastener. Anderson et al discloses a retainer providing a bias force to at least one point of the fastener, see figures 12-13. Note that the recess "607" of Anderson et al is optional (col. 3, lines 61-62). It would have been obvious to one having ordinary skill in the art to form the device of Rinner et al such that the retainer providing a bias force to at least one point of the fastener to hold the fastener in place as taught by Anderson et al.

3. Claims 1-3, 5, 7-10, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubbard (2798394) in view of Anderson et al (6,332,382).

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Hubbard discloses all of the claimed subject matter except for having a retainer providing a bias force to at least one point of the fastener. Rinner et al discloses a retainer providing a bias force to a side surface of the fastener. Note that the side surface of Hubbard can be considered to include a plurality of points. However, Anderson et al will be applied to show the retainer providing a bias force to at least one point (or to an apex/vertex) of the fastener. Anderson et al discloses a retainer providing a bias force to at least one point of the fastener, see figures 12-13. Note that the recess "607" of Anderson et al is optional (col. 3, lines 61-62). It would have been obvious to one having ordinary skill in the art to form the device of Hubbard such that the retainer providing a bias force to at least one point of the fastener to hold the fastener in place as taught by Anderson et al.

With respect to claim 2, Hubbard discloses a second notch "26", transverse to the insertion direction and parallel with the first notch "24", and in a sidewall of the holder "11".

4. Claims 1, 4, 5, 7, 8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faso in view of Anderson et al (6,332,382).

Faso discloses all of the claimed subject matter except for having a retainer providing a bias force to at least one point of the fastener. Faso discloses a retainer providing a bias force to a side surface of the fastener. Note that the side surface of Faso can be considered to include a plurality of points. However, Anderson et al will be applied to show the retainer providing a bias force to at least one point (or to an apex/vertex) of the fastener. Anderson et al discloses a retainer providing a bias force

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to at least one point of the fastener, see figures 12-13. Note that the recess "607" of Anderson et al is optional (col. 3, lines 61-62). It would have been obvious to one having ordinary skill in the art to form the device of Faso such that the retainer providing a bias force to at least one point of the fastener to hold the fastener in place as taught by Anderson et al.

5. Claims 1, 5, 6, 7, 8 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGuckin in view of Anderson et al (6,332,382).

McGuckin discloses all of the claimed subject matter except for having a retainer providing a bias force to at least one point of the fastener. McGuckin discloses a retainer providing a bias force to a side surface of the fastener. Note that the side surface of McGuckin can be considered to include a plurality of points. However, Anderson et al will be applied to show the retainer providing a bias force to at least one point (or to an apex/vertex) of the fastener. Anderson et al discloses a retainer providing a bias force to at least one point of the fastener, see figures 12-13. Note that the recess "607" of Anderson et al is optional (col. 3, lines 61-62). It would have been obvious to one having ordinary skill in the art to form the device of McGuckin such that the retainer providing a bias force to at least one point of the fastener to hold the fastener in place as taught by Anderson et al.

6. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faso in view of Anderson et al (6,332,382).

Faso discloses all of the claimed subject matter except for having a retainer providing a bias force to at least one point of the fastener. Faso discloses a retainer

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providing a bias force to a side surface of the fastener. Note that the side surface of Faso can be considered to include a plurality of points. However, Anderson et al will be applied to show the retainer providing a bias force to at least one point (or to an apex/vertex) of the fastener. Anderson et al discloses a retainer providing a bias force to at least one point of the fastener, see figures 12-13. Note that the recess "607" of Anderson et al is optional (col. 3, lines 61-62). It would have been obvious to one having ordinary skill in the art to form the device of Faso such that the retainer providing a bias force to at least one point of the fastener to hold the fastener in place as taught by Anderson et al.

7. Claims 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rinner et al (6543317) in view of Anderson et al (6,332,382) as applied above, in further view of Cuda.

Cuda discloses a retainer being "welded" to a "holder". Note column 1, lines 60-64 and lines 34-59. It would have been obvious to one having ordinary skill in the art to weld the retainer of Rinner et al to the holder to maintain the retainer in place and as such would have been an obvious mechanical expedient as taught by Cuda.

8. Claims 22-23 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faso in view of Anderson et al (6,332,382) as applied above, in further view of Ritchey et al.

Ritchey et al discloses a retainer being rectangular and/or having a chamfered edge. Note column 6, lines 30-65 of Ritchey et al. It would have been obvious to one having ordinary skill in the art to form the retainer of Faso as rectangular and/or having

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a chamfered edge to reduce wear points, reduce bending stress, increase surface area engagement and would have been obvious shape variations as taught by Ritchey et al.

9. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Faso in view of Anderson et al (6,332,382) as applied above, in further view of Cuda.

Cuda discloses a retainer being "welded" to a "holder". Note column 1, lines 60-64 and lines 34-59. It would have been obvious to one having ordinary skill in the art to weld the retainer of Faso to the holder to maintain the retainer in place and as such would have been an obvious mechanical expedient as taught by Cuda.

10. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faso in view of Anderson et al (6,332,382) as applied above, in further view of Ritchey et al.

Ritchey et al discloses a retainer being rectangular and/or having a chamfered edge. Note column 6, lines 30-65 of Ritchey et al. It would have been obvious to one having ordinary skill in the art to form the retainer of Faso as rectangular and/or having a chamfered edge to reduce wear points, reduce bending stress, increase surface area engagement and would have been obvious shape variations as taught by Ritchey et al.

11. Claims 1-14 and 21-25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 8, lines 3-5 are grammatically incorrect and should be changed to ---a receiving area for accepting a fastener with a head having at least one point, said receiving area for accepting a fastener in an insertion direction---.

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In claim 8, line 8, "a extending..." should be changed to
---a retainer extending...---.

12. Applicant's arguments filed March 24, 2006 have been fully considered but they are not persuasive and are moot in view of the new ground(s) of rejection.

Anderson et al was applied to the rejection of the claims to show a retainer providing a bias force to at least one point (or to an apex/vertex) of the fastener.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra S. Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on M-F, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Debra S Meislin
Primary Examiner
Art Unit 3723

May 25, 2006